

## SEXUAL HARASSMENT

### GENERAL POLICY:

Sexual harassment is considered extremely serious by the City and will not be tolerated in any form at any time. Anyone found to be committing such shall be subject to dismissal.

### SCOPE:

All employees

### PROVISIONS:

1. Sexual harassment is defined as, but not limited to, the following:
  - a. Unwanted intentional touching of any part of the body of another;
  - b. Continual unsolicited comments in reference to the physical attributes of another;
  - c. Continual unsolicited offers to date or be together unwanted by the party being asked;
  - d. The telling of unwanted sexual jokes or pranks;
  - e. Attempting to extort sexual favors by use of position or power.
2. Formal harassment charges shall be reduced to written form and presented directly to the Chief, who shall notify the City Manager immediately.
3. All accusations of sexual harassment shall be immediately investigated and shall be treated as an internal matter.
4. Any employee formally accused of such shall, for his own protection, be suspended with pay until the investigation is complete.
5. Any employee found to have carried out this harassment shall be subject to termination.
6. Both the accused and the accuser shall not make public any information regarding the matter at hand. Should they do so, they will be subject to disciplinary action up to and including discharge.
7. Any employee, before bringing a sexual harassment charge, shall inform the harasser clearly that their actions are unwelcome and shall document this warning.

# **CITY OF NOBLE**

## **PERSONNEL POLICIES**

### **CHAPTER I**

#### ***INTRODUCTORY COMMENTS***

The purpose of this manual is to establish policies that will serve as a guide to administrative action concerning various personnel activities and transactions. These policies may be changed, modified, rescinded or suspended, from time to time, with or without notice. These policies do not constitute enforceable rights by City employees, do not create a property interest, nor do they constitute a substantive modification or restriction on the City Manager's right to terminate or discipline any employee for the good of the service.

#### **CITY CHARTER SUPERIORITY:**

The provision of the City Charter will supersede conflicting rules and regulations in this manual, or in any operating procedures to implement these policies.

#### **EEO STATEMENT:**

The City recognizes and supports the policy of equal employment opportunity and provides all applicants and employees' equal opportunity without regard to race, color, religion, sex, national origin, age, marital or veteran status, political affiliation, disability status, or any other legally protected status.

#### **AUTHORITY TO AMEND POLICIES:**

The City Manager has the sole responsibility for granting waivers or amendments to any administrative or personnel policy or procedure, subject to restrictions of the City Charter. The City Manager may also promulgate administrative directives or operating procedures to effectuate the intent of these policies. Copies of such directives or procedures shall be made available to all affected City employees.

#### **DEPARTMENTAL WORK RULES AND CHANGES:**

Departmental work rules, policies and procedures shall be consistent with this policy. The City Manager or the personnel director will approve any amendments to department work rules prior to implementation. Any new department work rule or regulation shall be furnished to the affected employees with a copy going to the personnel department.

#### **CONFLICTS WITH CONTRACTS:**

This policy is intended to represent all City of Noble employees, standards for work, conduct, employment policies, etc. There may be on occasion a conflict between this policy and collective bargaining contracts or management employee contracts. If this occurs then the respective contracts shall apply.

#### **CITY AND AUTHORITY:**

When reference is made to the City of Noble or City it is also being made to the Noble Utility Authority, or any other authority or agency of the City.

resolve grievances informally, using the formal procedure should be the last resort. The establishment of the grievance procedure in no way creates any expectation of continued employment or creates any property rights in employment with the City of Noble. The grievance procedure should be considered by all employees as a benefit of their employment. In filing a grievance against the City, a supervisor, working conditions, or fellow employee(s), the procedure is as Follows:

- A. The employee must present a written grievance to their immediate department head within 24 hours of any incident or disciplinary action causing the grievance. This must include reasons why there is a grievance. The department head must respond in writing within five (5) working days. If satisfactory resolution of this matter is not achieved, the grievance is taken to the next level of supervisor progressing to final resolution with the City Manager.
- B. The employee must submit a written grievance to the City Manager within five (5) calendar days of the response of the department head. The City Manager will have ten (10) working days to investigate and respond to the grievance. The City Manager's decision will be final.
- C. Copies or written documentation of all steps will be kept in the employees personnel file. If a grievance is decided in favor of the employee, the records will be corrected and other appropriate action will be taken to properly close the matter.

## CHAPTER VI

### *PROFESSIONAL CONDUCT/ANTI-HARASSMENT POLICY*

The City is committed to establishing a professional and congenial work environment and will take reasonable steps to insure that the work environment is pleasant for all that work here. All employees are expected to treat others with courtesy, consideration and professionalism. The City will not tolerate the harassment of any employee or citizen by any other employee or supervisor. Employees may not use epithets, slurs or other terms or language designed to threaten, insult, intimidate or show hostility to another. Employees are prohibited from posting or circulating in the workplace any written or graphic materials or other objects that attack, defame, belittle, degrade or show hostility or aversion to any person or group of people.

In addition, harassment for any discriminatory reason, such as race, gender, national origin, disability, age, religion or veteran status is prohibited not only by State and Federal laws but also by the policies of the City. The City prohibits not only unlawful harassment, but also other types of unprofessional and discourteous conduct. Accordingly, derogatory, racial, ethnic, religious, age, gender, sexual or other inappropriate remarks, slurs, "jokes", written material or actions will not be tolerated in the workplace.

Included in this prohibition is a prohibition against sexual harassment, which includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

- 1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
- 2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- 3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an environment, which is intimidating, hostile or offensive to the employee.

Each employee must exercise his/her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include, but are not limited to, the following:

1. **Verbal:** Repeated sexual innuendo, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. **Visual/Non-Verbal:** Derogatory posters, cartoons, faxes, drawings, suggestive objects or pictures, graphic commentaries, leering or obscene gestures;
3. **Physical:** Unwanted physical contact including touching, interference with the individual's normal work movements or threatening gestures; and
4. **Other:** Making or threatening reprisals as a result of a negative response to a harassing action.

Any employee or applicant who feels that he/she has been subjected to harassment or otherwise has been discriminated against due to his/her race, color, religion, national origin, gender, sexual orientation, age, disability or veteran status or who witnesses such harassment of or discrimination against another employee, should promptly report the incident. The written complaint is to be given to the supervisor or department head with a copy given to the City's personnel department or to the City Manager. Although employees are encouraged to discuss issues of alleged harassment or discrimination with their immediate supervisor or department head, they may by-pass their immediate supervisor or department head and report the incident directly to Personnel. This is particularly true if the employee believes the supervisor or department head is involved in the alleged harassment. Further, any supervisor who gains information concerning allegations of harassment or discrimination is to immediately report the same to the City's personnel department. In the absence of a personnel director, the City Manager shall be considered the personnel director.

All complaints of harassment or discrimination will be investigated. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered. Except as deemed necessary to investigate and remedy violations, management will keep any complaint and the information revealed in the investigation as confidential as possible.

All employees are strongly encouraged to use the complaint procedures set forth herein if they believe they have been subjected to discrimination or harassment. Before it becomes a serious problem and the conduct interferes with an individual's work performance or creates a hostile environment, employees are encouraged to notify management of conduct that may violate this policy. This will allow management to address the situation in a timely and appropriate manner.

The initiation of a complaint, in good faith, will not be grounds for discipline. It is a violation of the City's policy for an individual to be disciplined or otherwise disadvantaged as a result of a good faith resort to this complaint procedure. However, deliberately reporting false allegations may be considered as a form of harassment and may subject an employee to appropriate discipline.

If a person is determined to have violated this policy, the City will take appropriate action designed to prevent any further incidents of inappropriate behavior. If necessary, this could include disciplinary action up to and including termination. In addition, management and supervisory employees may face disciplinary action if they fail to take corrective action after becoming aware of the existence of harassment or discrimination, regardless of whether the victim has filed a formal complaint.